

VIRGINIA FAIR HOUSING BOARD

MINUTES OF MEETING

June 13, 2007

The Fair Housing Board Meeting was held at the Department of Professional and Occupational Regulation, 3600 W. Broad Street, Richmond, Virginia. The following Board members were present:

David B. Rubinstein, Chairman
Jeffrey Adkins
Neil Bhatt
Cynthia Clare
Rhonda Harmon
Penny Johnson
Martin Maples

The following Board Members were not present: Laura Dupuy, Robert Ruais, and James Schuyler

DPOR Staff present for all or part of the meeting included:

Jay DeBoer, Director
Karen O'Neal, Deputy Director
Liz Hayes, Fair Housing Administrator
Christine Martine, Executive Director
Chris Olson, Administrative Assistant
Deanda Shelton, Assistant Fair Housing Administrator
Trudy Miller, Fair Housing Investigator
Angela Keefe-Thomas, Fair Housing Investigator
Karen Taylor, Fair Housing Specialist
Iris Street, Program Conciliator

Tom Payne, Assistant Attorney General with the Office of the Attorney General, was present.

Chairman Rubinstein called the meeting to order at 10:10 AM.

Call to Order

A motion was made by Ms. Clare and seconded by Ms. Johnson to **Agenda** approve the Agenda. The motion passed unanimously. Members voting

"Yes" were Adkins, Bhatt, Clare, Harmon, Johnson, Maples, and Rubinstein.

A motion was made by Mr. Bhatt and seconded by Ms. Clare to approve the following minutes: April 11, 2007, Fair Housing Board Meeting. The motion passed unanimously. Members voting "Yes" were Adkins, Bhatt, Clare, Harmon, Johnson, Maples, and Rubinstein.

Minutes

No one addressed the Board during the **Public Comment period**.

Public Comment

Liz Hayes updated the Board on the current investigative case load. No action was taken by the Board.

**Fair Housing
Administrators Report**

Ms. Hayes introduced Iris Street as the new Program Conciliator.

In the matter of **FHB File Number 2007-01620, Paul and Margaret Aaron v. Joseph Maksimowicz**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. J.C. Cancelleri, Attorney for the complainants, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Clare to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Adkins, Bhatt, Clare, Harmon, Johnson, Maples, and Rubinstein.

**FHB File Number 2007-
01620, Paul and
Margaret Aaron v.
Joseph Maksimowicz**

In the matter of **FHB File Number 2007-01619, Carlos Cato v. Joseph Maksimowicz**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. J.C. Cancelleri, Attorney for the complainant, and Carlos Cato, the complainant, were present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Clare to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Adkins, Bhatt, Clare, Harmon, Johnson, Maples, and Rubinstein.

**FHB File Number 2007-
01619, Carlos Cato v.
Joseph Maksimowicz**

In the matter of **FHB File Number 2006-05161, Mark and Sophia Forror v. Freemont Investment & Loan, Inc., Murray Zoota, Saidu "Quincy" Quansah and Olde Towne Mortgage Corporation**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Mark Forror, the complainant, and Bradley Cline, Attorney for Freemont Investment & Loan, Inc., were present and addressed the Board. After discussion, the Board agreed without dissent to defer this matter to its next scheduled Board meeting to allow the parties an opportunity to attempt conciliation.

**FHB File Number 2006-
05161, Mark and Sophia
Forror v. Freemont
Investment & Loan, Inc.,
Murray Zoota, Saidu
"Quincy" Quansah and
Olde Towne Mortgage
Corporation**

In the matter of **FHB File Number 2006-01435, Herb Birmingham v. Schooner Bay Association Board of Directors**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. David Rowan, Attorney for the respondent, and James Moll, representative of the respondent, were present and addressed the Board. A motion was made by Ms. Harmon and seconded by Mr. Maples to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Adkins, Bhatt, Clare, Harmon, Johnson, Maples, and Rubinstein.

FHB File Number 2006-01435, Herb Birmingham v. Schooner Bay Association Board of Directors

In the matter of **FHB File Number 2006-03812, Joan Brown-France v. Atlantic Bay Mortgage Group, Inc., Nancy Larsen, Brian Holland, and Sinnen-Green & Associates, Inc.**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Charlene Reilly, Attorney for the respondent, was present and addressed the Board. A motion was made by Ms. Clare and seconded by Ms. Harmon to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Adkins, Bhatt, Clare, Harmon, Johnson, Maples, and Rubinstein.

FHB File Number 2006-03812, Joan Brown-France v. Atlantic Bay Mortgage Group, Inc., Nancy Larsen, Brian Holland, and Sinnen-Green & Associates, Inc.

In the matter of **FHB File Number 2006-05163, Harold Kasey and Stephanie Crockett v. Powell and Powell LLC, and Amy Powell**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Grimes Creasy, Attorney for the respondent, was present and addressed the Board. A motion was made by Ms. Harmon and seconded by Mr. Maples to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Adkins, Bhatt, Clare, Harmon, Johnson, Maples, and Rubinstein.

FHB File Number 2006-05163, Harold Kasey and Stephanie Crockett v. Powell and Powell LLC, and Amy Powell

In the matter of **FHB File Number 2007-02276, Mildred Stanley v. Patricia Brock, Carol Daley, Ruth Hampton, and Regency Woods Condominium Unit Owners Association**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Mildred Stanley, the complainant, Walter Gust, witness, and Jerry Wright, Attorney for the respondents, were present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Clare to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Adkins, Bhatt, Clare, Harmon, Johnson, Maples, and Rubinstein.

FHB File Number 2007-02276, Mildred Stanley v. Patricia Brock, Carol Daley, Ruth Hampton, and Regency Woods Condominium Unit Owners Association

In the matter of **FHB File Number 2006-04799, Roberta and Stephen Guajardo v. Bennett's Creek Landing Homeowners Association Board of Directors**, the Board reviewed the record which consisted of the

FHB File Number 2006-04799, Roberta and Stephen Guajardo v.

Final Investigative Report and Case Analysis and Recommendation. Barrow Blackwell, Attorney for the respondent, and Roberta Guajardo, the complainant, were present and addressed the Board. A motion was made by Ms. Harmon and seconded by Ms. Johnson to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Adkins, Bhatt, Clare, Harmon, Johnson, Maples, and Rubinstein.

**Bennett's Creek Landing
Homeowners Association
Board of Directors**

In the matter of **FHB File Number 2006-04748, Islam M. Zaydan v. Betty Caylor and Prosperity Mortgage Corporation**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Clare and seconded by Ms. Harmon to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Adkins, Bhatt, Clare, Harmon, Johnson, Maples, and Rubinstein.

**FHB File Number 2006-
04748, Islam M. Zaydan
v. Betty Caylor and
Prosperity Mortgage
Corporation**

In the matter of **FHB File Number 2005-04150, Irvin Gaskins v. Potomac Station LP**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Harmon and seconded by Mr. Maples to find reasonable cause that the respondents refused to make a reasonable accommodation for a ground floor unit based on disability and to find no reasonable cause that the respondents refused to make a reasonable accommodation for handicap parking based on disability. The motion passed unanimously. Members voting "Yes" were Adkins, Bhatt, Harmon, Johnson, Maples, and Rubinstein.

**FHB File Number 2005-
04150, Irvin Gaskins v.
Potomac Station LP**

Due to a possible conflict of interest, Ms. Clare recused herself from voting in this matter.

In the matter of **FHB File Number 2007-02422, Maria Scolaro v. Pilot House Associates, LP**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Harmon and seconded by Ms. Clare to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Adkins, Bhatt, Clare, Harmon, Johnson, Maples, and Rubinstein.

**FHB File Number 2007-
02422, Maria Scolaro v.
Pilot House Associates,
LP**

In the matter of **FHB File Number 2007-02288, Thomas Calloway v. David T. Roark**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A

**FHB File Number 2007-
02288, Thomas Calloway
v. David T. Roark**

motion was made by Ms. Harmon and seconded by Ms. Clare to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Adkins, Bhatt, Clare, Harmon, Johnson, Maples, and Rubinstein.

In the matter of **FHB File Number 2007-02470, Clark C. Jackson v. David T. Roark**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Harmon and seconded by Ms. Clare to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Adkins, Bhatt, Clare, Harmon, Johnson, Maples, and Rubinstein.

FHB File Number 2007-02470, Clark C. Jackson v. David T. Roark

In the matter of **FHB File Number 2007-02328, Timothy Bradley and Lewis Essex v. Donnie McDaniel**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Harmon and seconded by Ms. Clare to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Adkins, Bhatt, Clare, Harmon, Johnson, Maples, and Rubinstein.

FHB File Number 2007-02328, Timothy Bradley and Lewis Essex v. Donnie McDaniel

In the matter of **FHB File Number 2007-02223, Jessica Taylor v. CMH Homes, Inc. and Tiffany Newsome**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Harmon and seconded by Ms. Clare to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Adkins, Bhatt, Clare, Harmon, Johnson, Maples, and Rubinstein.

FHB File Number 2007-02223, Jessica Taylor v. CMH Homes, Inc. and Tiffany Newsome

In the matter of **FHB File Number 2007-02224, Lakisha S. Banister and Maurice Banister v. CMH Homes, Inc. and Tiffany Newsome**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Harmon and seconded by Ms. Clare to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Adkins, Bhatt, Clare, Harmon, Johnson, Maples, and Rubinstein.

FHB File Number 2007-02224, Lakisha S. Banister and Maurice Banister v. CMH Homes, Inc. and Tiffany Newsome

In the matter of **FHB File Number 2007-02497, James and Robin Perry v. Bridle Creek Associates, LP**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Harmon and seconded by Ms. Clare to close the case with a finding of no reasonable cause. The

FHB File Number 2007-02497, James and Robin Perry v. Bridle Creek Associates, LP

motion passed unanimously. Members voting "Yes" were Adkins, Bhatt, Clare, Harmon, Johnson, Maples, and Rubinstein.

In the matter of **FHB File Number 2007-03637, John Banks v. Betty Ross**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Harmon and seconded by Ms. Clare to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Adkins, Bhatt, Clare, Harmon, Johnson, Maples, and Rubinstein.

FHB File Number 2007-03637, John Banks v. Betty Ross

In the matter of **FHB File Number 2007-02018, Shawna D. Haskins v. Veronica Cerrud, Columbia Heights, LP and KSI Management**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Harmon and seconded by Ms. Johnson to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Adkins, Bhatt, Harmon, Johnson, Maples, and Rubinstein.

FHB File Number 2007-02018, Shawna D. Haskins v. Veronica Cerrud, Columbia Heights, LP and KSI Management

Due to a possible conflict of interest, Ms. Clare recused herself from voting in this matter.

In the matter of **FHB File Number 2007-03279, Kenneth Johnson v. Mary T. Black Trustee for Mary T. Black Living Trust**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Harmon and seconded by Ms. Johnson to find reasonable cause that the respondent discriminated against the complainant by making a discriminatory statement based on sex. The motion passed unanimously. Members voting "Yes" were Adkins, Bhatt, Clare, Harmon, Johnson, Maples, and Rubinstein.

FHB File Number 2007-03279, Kenneth Johnson v. Mary T. Black Trustee for Mary T. Black Living Trust

In the matter of **FHB File Number 2005-04678, Patrick Berry and Kime Beaty-Berry v. Margaret and Al Fuller**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Harmon and seconded by Ms. Clare to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Adkins, Bhatt, Clare, Harmon, Johnson, Maples, and Rubinstein.

FHB File Number 2005-04678, Patrick Berry and Kime Beaty-Berry v. Margaret and Al Fuller

The Board considered the matter of **FHB File Number 2006-02515, Courtney Kent v. Community Alternatives Management Group, George Davies and Carmen Brown**. A motion was made by Ms. Harmon and seconded by Mr. Maples to approve the terms of the

FHB File Number 2006-02515, Courtney Kent v. Community Alternatives Management Group,

conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were Adkins, Bhatt, Clare, Harmon, Johnson, Maples, and Rubinstein.

**George Davies and
Carmen Brown**

The Board considered the matter of **FHB File Number 2007-01903, Andrea Atkinson v. Jim Radford, Oak Forest Trailer Mobile Home Park, and Greta McHenry**. A motion was made by Ms. Harmon and seconded by Mr. Maples to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were Adkins, Bhatt, Clare, Harmon, Johnson, Maples, and Rubinstein.

**FHB File Number 2007-
01903, Andrea Atkinson
v. Jim Radford, Oak
Forest Trailer Mobile
Home Park, and Greta
McHenry**

The Board considered the matter of **FHB File Number 2006-00801, Wendy Moser, Kyle Moore and Justin Hyler v. Glen Howerton**. A motion was made by Ms. Harmon and seconded by Ms. Clare to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were Adkins, Bhatt, Clare, Harmon, Johnson, Maples, and Rubinstein.

**FHB File Number 2006-
00801, Wendy Moser,
Kyle Moore and Justin
Hyler v. Glen Howerton**

The Board considered the matter of **FHB File Number 2007-00927, Shonia Robinson v. Theresa Taylor, Audubon Village, Audubon Village LP and Shelter Management Corp.** A motion was made by Ms. Harmon and seconded by Ms. Clare to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were Adkins, Bhatt, Clare, Harmon, Johnson, Maples, and Rubinstein.

**FHB File Number 2007-
00927, Shonia Robinson
v. Theresa Taylor,
Audubon Village,
Audubon Village LP and
Shelter Management
Corp.**
Closed Meeting

At 11:58 AM. Ms. Clare made a motion which was seconded by Ms. Johnson, that the Board recess and the Board immediately reconvene in **closed meeting** for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by § 2.2-3711.A.7 of the Code of Virginia. The following non-members will be in attendance to reasonably aid the consideration of the topic: Tom Payne, Jay DeBoer, Liz Hayes, and Deanda Shelton.

This motion is made with respect to the matter(s) identified as agenda item(s):

**28. FHB File Number 2007-02950, Gary Rose and Helen Jackson
v. Irene Sprouse, Ellis Sprouse, and Beverly Sprouse
(Ergenbright)**

At 12:15 PM., a motion was made by Ms. Clare and seconded by Ms. Johnson that the Board reconvene in open session.

WHEREAS, the Fair Housing Board has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Certification

WHEREAS, §2.2-3712 of the Code of Virginia requires a certification by this Fair Housing Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Fair Housing Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fair Housing Board.

VOTE: 7-0

AYES Adkins, Bhatt, Clare, Johnson, Harmon, Maples, and Rubinstein

NAYS: None

ABSENT DURING THE VOTE: None

ABSENT DURING THE MEETING: Dupuy, Ruais, and Schuyler

In the matter of **FHB File Number 2007-02950, Gary Rose and Helen Jackson v. Irene Sprouse, Ellis Sprouse, and Beverly Sprouse (Ergenbright)**, the Board took no action..

FHB File Number 2007-02950, Gary Rose and Helen Jackson v. Irene Sprouse, Ellis Sprouse, and Beverly Sprouse (Ergenbright)

There being no further business, the meeting adjourned at 12:35 PM.

Adjourn

David B. Rubinstein, Chairman

Jay W. DeBoer, Secretary